



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/4/2004, by James F. Clayborne Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 25/4

from Ch. 95 1/2, par. 1104

Amends the Illinois Vehicle Code. Provides that it is an affirmative defense to a charge of failing to secure a child under 8 years of age in a child restraint system that, at the time of the alleged offense, (i) more than one child was secured in a child restraint system, (ii) no additional child restraint system was available as a result of space limitations in the vehicle, and (iii) each child under the age of 8 not secured in a child restraint system was wearing a combination lap and shoulder belt or, if no combination lap and shoulder belt was available for that child, a lap belt.

LRB093 20808 DRH 46731 b

1 AN ACT concerning vehicles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Child Passenger Protection Act is amended by
5 changing Section 4 as follows:

6 (625 ILCS 25/4) (from Ch. 95 1/2, par. 1104)

7 Sec. 4. Transporting a child under 8 years of age.

8 (a) When any person is transporting a child in this State
9 under the age of 8 years in a non-commercial motor vehicle of
10 the first division, a motor vehicle of the second division with
11 a gross vehicle weight rating of 9,000 pounds or less, or a
12 recreational vehicle on the roadways, streets or highways of
13 this State, such person shall be responsible for providing for
14 the protection of such child by properly securing him or her in
15 an appropriate child restraint system. The parent or legal
16 guardian of a child under the age of 8 years shall provide a
17 child restraint system to any person who transports his or her
18 child. Any person who transports the child of another shall not
19 be in violation of this Section unless a child restraint system
20 was provided by the parent or legal guardian but not used to
21 transport the child.

22 For purposes of this Section and Section 4b, "child
23 restraint system" means any device which meets the standards of
24 the United States Department of Transportation designed to
25 restrain, seat or position children, which also includes a
26 booster seat.

27 (b) A child weighing more than 40 pounds may be transported
28 in the back seat of a motor vehicle while wearing only a lap
29 belt if the back seat of the motor vehicle is not equipped with
30 a combination lap and shoulder belt.

31 (c) It is an affirmative defense to an offense brought
32 under subsection (a) of this Section that, at the time of the

1 alleged offense, (i) more than one child was secured in a child
2 restraint system in compliance with this Section, (ii) no
3 additional child restraint system was available as a result of
4 space limitations in the vehicle, and (iii) each child under
5 the age of 8 not secured in a child restraint system was
6 wearing a combination lap and shoulder belt or, if no
7 combination lap and shoulder belt was available for that child,
8 a lap belt.

9 (Source: P.A. 93-100, eff. 1-1-04.)